

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/00249	Your Ref:	APP/18/00450
EH Case Officer Extn:	44 6677	Date:	25 February 2020
DC Case Officer:	Miss S Haigh		
DC Case Officer Extn:			
Application Number:	APP/18/00450		
Site Address:	Forty Acres, Havant Road, Havant, PO9 3LW		
Proposed Development:	A request has been made to discharge the following condition(s) on the above application: c.8 (CEMP), c.10 (MMP), c.11 (Contamination Assessment)		

Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings.

Observations / Comments:

I would like to make some comments with a focus on physical / chemical pollution, emissions and contamination. Charlotte Adcock will be looking at this application with a focus on noise / nuisance / amenity; and may provide additional comment under separate cover.

c.8 - Construction Method Statement & Environmental Management Plan

I have reviewed the relevant details, and consider that the applicant has met the condition requirements for items i), iii), v), vi), viii), ix), xi), xii) & xiii). I have no material comment to make in respect of these matters.

I have either not identified the relevant detail, or have not specifically reviewed detailed submissions in respect of item iv) (delivery arrangements, and provisions for rectifying damage to highway), x) (temporary lighting), xi) (protection of pedestrian routes during construction), or vii) (piling or other works with heavy machinery - noise assessment). My colleague is better placed to comment on light & noise [x)/xi)], and the specification of the proposed noise barrier. The lack of comment here should not be taken to mean that Environmental Health has no material comment to make.

It is acknowledged that a suitable commitment has been made in respect of the ecological 'timing or works' clause of c.8 vii), and on the timing for the installation of the noise barrier. I have not reviewed any technical documentation relating to noise assessment for any specific construction process, nor have I reviewed any documentation relating to the noise barrier specification required to achieve the specified noise level.

Of the remaining strict requirements of c.8, I would make the following observations:

- Part ii); Construction Traffic & Construction Environmental Management Plan (CMS) Appendix B identifies the various site compound areas and soil stockpile management area. I have not identified any details relating to plant storage, and would highlight that neither fuel storage nor bulk cement storage locations are identified on the supplied plans (both are either described, or a typical storage arrangement schematic is provided).
- Part xiv). Part 20 of the CMS describes provisions in respect of this requirement, suggesting that the planning condition is superseded by the latest iteration of the SuDS manual. The LPA is invited to refer to the operational-phase SuDS design for the construction phase drainage scheme. I would point out that the operational phase system has not been designed to manage pollutant throughput from an active construction site, and it would likely not be capable of treating silt-laden pluvial flows that may enter the system via road drainage (etc.). Construction run-off should not be disposed of via any cellular attenuation structure, and run-off should be subject to preliminary settlement prior to entering SuDS system (including settlement ponds); otherwise excessive siltation of these structures is likely to occur, and potentially excessive levels of total suspended solids (TSS) and other chemical pollutants associated with the construction process may pass through the system and reach the receiving watercourse. *I would recommend that clarification on the means of protecting downstream receiving waters is sought prior to discharging this part of c.8.*
- Part xv); Safeguards for fuel and chemical storage. Appendix C identifies storage areas for hazardous wastes, and paints/solvents. The subject of fuel storage is covered by both Part 4 of the CMS and section 6 of the Environmental Policy (EMP). As is noted above [comment Re: c.8 part ii)], no location for either plant or fuel storage is provided, so it is not possible to verify that sufficient room will be available in the compound for plant to be fuelled from the described secured & double-bunded storage facility without the need for hand transfer of fuels via portable containers - nor that the location will be suitably made and without drainage. No mention is made of the use of drip trays for refuelling small / hand-held equipment or plant outside of the refuelling area, and so there is great reliance on the provision of the environmental policy that *all* mobile plant (and equipment) will be fuelled in the designated area. The description is adequate to determine compliance / non-compliance - and so I do not require that a drawing be submitted, but *I would recommend that both documents referenced in this part are listed on the decision notice to ensure that all provisions relating to the control of fuel pollution are enforceable.*

c.10 - Materials Management Plan

It is not entirely clear that the submitted documentation is actually intended to comprise the Materials Management Plan (MMP) required by c.10. I refer to the text included within s1.0 (introduction) to the Materials Management Plan Supporting Document (J16120 iss.1 14/10/2019); *"This document is provided **to accompany the Materials Management Plan** that has been produced as part of the CLAIRE Definition of Waste Protocols..."*

That said, the supporting document does include all of the elements required by condition 10, and so the supporting document may be taken to be the MMP, subject to clarification on what the MMP is intended to actually comprise, and that what the author regards to be the 'MMP proper' doesn't undermine the provisions of the supporting document.

I would highlight that the appendices to the supporting document are missing. I have requested (and now received*) the donor site ground investigations be submitted for completeness, and the soil stockpile area is identified on Appendix B to the CMS; just leaving details of the means of recording materials movement / placement, and the control of representative soil samples as documents that I have been unable to review. *It is recommended that these be sought prior to approving the discharge of c.10, for completeness.*

(* - I have looked over the submitted donor site investigations, and whilst there are elements of uncertainty that I would have queried were these my responsibility to review - I can confirm that there are not any serious red-flags. I am content to rely upon the verification sampling process to identify & exclude any out-of-spec materials that would be of concern to future residents of the completed development).

The supporting document recommends a sampling rate of 1 representative sample per 500 cu.M & *in addition*, 1 representative 'as placed' sample per compacted layer of 1000 sq.M in plan area. Assuming a single deposited layer over the residential area only, and the lower import requirement estimate of 60,000 cu.M volume material, the supporting document commits the applicant to taking and reporting over 220 soil samples.

This is absolutely acceptable, and will provide a great deal of confidence in the quality of the placed material - but I am skeptical that the applicant is prepared to take-, analyse- and present- that volume of samples from sites which have already been characterised for chemical contamination. I can of course accept this proposal, but in the interests of avoiding undue difficulty in verifying the approved works, it may be prudent to confirm with the applicant that the above referenced interpretation of the supporting document wording does indeed represent the intended level of sampling, and not a typographical error where it was intended instead to specify (for example) *'either the volumetric minimum sampling metric, or the area-based minimum sampling metric, will be observed, whichever is the greater'*.

For the benefit of the applicant, it may be worth stating that I am reasonably comfortable with the use of composite samples either from stockpiles or from samples of the representative unit-area of 'as placed' material (N.B not from mixed source), and that I am open to adjustment of sampling rates from the level proposed, if the applicant did not intend to specify the above referenced level of sampling.

As regards criteria for chemical suitability, I would reject the Aliphatic >C16 screening values as appropriate acceptance criteria; 65g/kg for bands at and above this carbon chain-length would permit a 13% oil content by mass for soils, which is considered entirely inappropriate for placement without treatment. Whilst I accept that values in this range are unlikely to arise - I would not accept inclusion of material of close to these concentrations without consideration of risk to controlled waters, to ecology, and to amenity (in principle, these values could be applied to topsoils for use in the ecological land, or in garden areas).

I would similarly challenge the specified value for Chromium, as available literature values place the value at around 1/3rd the quoted 3g/kg for Chromium III. For this reason, I would require speciation for any samples containing levels of Chromium approaching the value quoted in section 5.0 (chemical suitability requirements). *I would recommend that these points are amended / clarified in the approved document (prior to discharge of c.10)*, however if this is not possible, it can be picked up at the verification stage (though the implications of taking the latter approach may be unpalatable to the developer in the event that issues arise)

The provisions of s.8.0 & 9.0 of the supporting document in respect of verification and evidencing are considered to be sufficiently robust, and are acceptable. Given the structure of the condition provisions, I would anticipate the MMP to be regarded as a component of c.11 part iv) (verification plan), and that it's submission would be required under c12, to ensure that there is an impetus to proactively submit this documentation to the LPA.

c.11 - Ground Contamination Assessment

The 'Contaminated Land Review & Discussion' letter report ref J16120/db/c08 (Jan 2020) represents an update of the J16120/db/c03 document. Both have been reviewed, but for practical purposes it is only necessary to refer to the c08 version.

As regards the application to discharge c.11, I would highlight the following text:

"Once the buildings and areas of hardstanding are no longer occupied and access becomes available, it is proposed to carry out an additional phase of ground investigation in this area, including holes drilled through the building floor slabs to facilitate inspection and recovery of soil samples for contamination testing of the near surface soils"

This paragraph essentially proposes the spatially limited, proportionate site investigation that was envisaged at the time the condition was sought (note c.11 reason: "Contamination may be present within *brownfield areas* of the site..." - it was not intended to apply to the greenfield land where there was no history of potentially contaminating land use). For this reason, I have no material concerns on the omission of the ecological mitigation land to the east from the scope of the submitted site investigation.

The intrusive works have largely been specified with a view to supporting the geotechnical requirements of the site, though a good deal of environmental sampling has been undertaken across the site. This serves to confirm the low risk status of the greenfield areas, and the elevated risk represented by the farm complex & its former structures (evidenced by trial holes BH16 & 17).

Gas (spot) monitoring similarly indicates no significant / site wide soil gas issues, as anticipated in the preliminary assessment. I would anticipate different results from BH17 given the location of high-organic-content soils at depth (1.8m), but would anticipate low flows. I don't have any material concerns regarding soil gas.

I note from the J16120 site plan that there are two unlabelled boreholes (for which there are no logs), and that 5 additional boreholes denoted 'GWM' are shown - assumed to be groundwater monitoring wells - for which the report also omits any logs or sample results. This omission is not necessarily considered to be a significant concern - though *for completeness and in the interests of transparency it would be preferable for these investigation features to be included in the approved documentation.*

Given the proposal included in the highlighted text above, and the reason for seeking the contamination condition at the outset - *I am minded to recommend a spatially defined partial discharge of c.11 to permit commencement of development across the majority of the site* - but to retain the impetus to confirm that no significant contamination is present within that brownfield area of the site.

I recognise that development management may require an annotated plan to facilitate approval on this basis. If this approach is acceptable, please contact me with details of what is needed to facilitate such a decision, and I will do what I can to assist.

In line with comments relating to c.10 above, *I would recommend listing the MMP alongside the /c08 letter report as the approved verification plan relating to the area for which c.11 is being discharged.*

Mr. Jonathan Driver
Environmental Control Officer